



FILED

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CHARLES ELMORE DROPPED
CLERK

Supreme Court of the United States

OCTOBER TERM, 1945

NO. 1210

PAUL GINSBURG, Petitioner,

v.

CHARLES H. SACHS, WILLIAM C. McELDOWNEY
and MAX PERLMAN

PETITION FOR REHEARING

PAUL GINSBURG,

Counsel for Petitioner.

Supreme Court of the United States

OCTOBER TERM, 1945

NO. 1210

PAUL GINSBURG, Petitioner,

v.

CHARLES H. SACHS, WILLIAM C. McELDOWNEY
and MAX PERLMAN

PETITION FOR REHEARING

*To the Honorable, the Chief Justice and Associate
Justices of the Supreme Court of the United
States:*

The petition of Paul Ginsburg for rehearing respectfully represents:

FIRST: The above entitled case came before your Honorable Court for consideration on the petition for writ of certiorari to the Supreme Court of Pennsylvania, the brief of respondents in opposition thereto and petitioner's reply brief.

SECOND: The petition for writ of certiorari was denied by your Honorable Court on June 3, 1946.

THIRD: Your petitioner prays that a rehearing should be granted in the above entitled case for the following reasons:

Petition for Rehearing.

(a) The action of the Pennsylvania Supreme Court in refusing petitioner's Petition to Vacate Order of Non Pros and Reinstate Appeal (R. 3-5) and his petition for reconsideration thereof (R. 7-10) has deprived your petitioner of his right to a day in court and is repugnant to Section 1 of the Fourteenth Amendment of the Constitution of the United States. Thus it necessarily follows that the action of your Honorable Court in denying the aforesaid petition for writ of certiorari has in effect deprived your petitioner of his right to a day in court and is repugnant to Section 1 of the Fourteenth Amendment of the Constitution of the United States. The constitutional guaranty of due process of law assures to every person his right to a day in court.

(b) This case is of public importance (Petition, page 14), has not been decided on the merits by the court below (Petition, page 14) and has received widespread publicity. The fact that the publicity has created the false impression upon the public in general that the adverse decisions have been on the merits, requires that the questions involved be answered. Actually your petitioner has never lost this case on the merits in the Pennsylvania Supreme Court, but it is generally believed that he has. The record in this proceeding and in the one at No. 779, October Term, 1945 (Reply Brief, page 2), make it plain that your petitioner has taken all possible steps thus far to secure decisions on the merits of these important questions.

WHEREFORE, your petitioner prays that your Honorable Court grant a rehearing in the above entitled case.

PAUL GINSBURG,

Petitioner.

CERTIFICATE OF COUNSEL

I hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay.

PAUL GINSBURG,

Counsel for Petitioner.
